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The Devon & Cornwall Record Society.

A Calendar

OF

Inquisitiones Post Mortem

FOR

Cornwall and Devon,

FROM HENRY III TO CHARLES I.

(1216—1649).

COMPILED AND EDITED BY

EDWARD ALEXANDER FRY.

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PREFACE.

It may be useful for those who have not had much experience in early genealogical history to state briefly* what inquisitiones post mortem were and wherein lies their usefulness to us in these latter days.

Inquisitiones post mortem were one of the most distinctive features of the feudal system in England; they were introduced in the reign of Henry III, about 1216, and continuing to be held throughout the course of some 430 years were only formally abolished on the accession of Charles II to the Throne, though they had practically ceased to be taken after 1649.

When a person, male or female, died seized of lands *in capite*, that is holding them from the Crown, a writ was issued to the escheator of the county directing that an inquisition should be held in order to ascertain of what lands he died seized, of whom and by what services the same were held, when he died, and who was his next heir. If the heir happened to be a minor the lands descending to him were held in ward by the Crown till he came of age. The wardship was generally a very lucrative business, because the rents and profits of the estate went to the person having charge of the heir till his coming of age, so that wardships were frequently bought from the Crown for large sums of money.

On the heir attaining his majority he had to sue out his "ousterlemain"; in other words he had to obtain delivery from the Crown of the lands for which he was in ward after first proving to the Court's satisfaction that he was of age.

* Much fuller accounts will be found in the introduction to the abstracts of inquisitiones published in "Dorset Records" and in various genealogical handbooks, as, for instance, Sim's *Manual*, p. 123; Rye's *Records and Record Searching*, p. 85; Phillimore's *How to trace the History of a Family*, p. 130; and particularly the Introduction to the *Calendarium Genealogicum*, by Roberts, and Mr. Scargill-Bird's *Guide to the Public Records*, p. 141.

As may be expected payments of a very exacting nature were extorted on all these occasions of death, proof of age, and delivery of lands.

It will be seen, therefore, from the above brief outline, that inquisitiones post mortem are very useful to genealogists of the present day, because in them are recorded the most minute particulars of the deceased's landed property; names of manors long since passed out of existence, field names, names of tenants, etc., etc., are often given, likewise many interesting details as to the services by which the property was held. The date of the deceased's death, the heir's name, relationship, and age at time of his predecessor's death are all stated on the oath of twelve men appointed as a jury.

Proceeding now to a few particulars respecting the Calendar of inquisitiones post mortem for Cornwall and Devon, it should be remarked that in 1806 it was ordered by Parliament that a Calendar be printed of the inquisitiones then kept in the Tower of London, but since that date deposited in the Public Record Office. The outcome of this order was that between 1806 and 1828 four large folio volumes were issued under the direction of the Commissioners of Public Records, covering the period between the reigns of Henry III and Richard III, which volumes may be consulted in most of the public libraries of the Kingdom.

These four volumes give the names of the people on whose properties the inquisitiones were held and the names of the manors, etc., and the counties in which they are situated, but fail to give any further information.

As a partial remedy for these omissions there appeared in 1865 two volumes entitled *Calendarium Genealogicum*, by Mr. Charles Roberts, which for the reigns of Henry III and Edward I, gives short abstracts of the inquisitiones, stating the heir and his age at the taking of the inquisition and many other particulars omitted in the Calendars published by the Commissioners.

It was a great pity the *Calendarium Genealogicum* was not carried out for the whole of the period covered by the official

calendar, for by combining the two one might have arrived at the pith of all the inquisitiones down to Richard III, whereas now recourse has to be made to the documents themselves for any inquisition that occurs after Edward I.

These documents for the period Henry III to Richard III (1216—1485) are not confined to inquisitiones post mortem only; there are also inquisitiones ad quod damnum, proofs of age, documents dealing with properties of lunatics and idiots, fugitives and felons, inquisitiones taken on special occasions, as, for instance, to ascertain boundaries, rights to hold fairs, markets, fisheries and ferries, or to inquire into tithes, common of pasture and free warren. They are indicated in this Calendar by a letter C.

In many of the years of Edward III's reign there are two series of numbers to the inquisitiones, the second of which are called "2nd Numbers." They are identified in this Calendar by an asterisk (*), and when applying for a document thus marked, care should always be taken to add the words "2nd Numbers."

For the period, Henry VII to Charles I, there are three series of inquisitiones preserved at the Public Record Office, London, viz.:—

i. The *Chancery* Series from 1 Henry VII to 24 Charles I, indicated in this Calendar by a letter C.

ii. The *Exchequer* Series, Henry VII to James I, indicated by a letter E.

iii. The *Courts of Wards and Liveries* Series, 32 Henry VIII to Charles I, indicated by the letters W. and L.

Thus for the bulk of the period, Henry VII—Charles I, it is possible to find three inquisitiones taken on the death of a person holding lands *in capite*, so that if in one series an inquisition is faded, or torn, or non-existent, we often have the means of supplying the deficiencies from one or other of the remaining series.

The *Chancery* Series is a continuation of the Calendar contained in the four volumes already mentioned.

The *Exchequer* Series are contemporary and authentic tran-

scripts of the Chancery documents, and were returned into the Court of the Exchequer to serve as a check on the fees and payments due to this Department.

The *Wards and Liveries* Series. These commence 32 Henry VIII (1540), when the Court of Wards and Liveries was established to superintend and regulate enquiries upon the death of any of the King's tenants *in capite*, who were minors, idiots, or lunatics. The inquisitiones are identical with the Chancery and the Exchequer Series. The functions of the Court were suspended during the Commonwealth, and it was finally abolished by statute of 12 Charles II.

By the help of the Calendar now printed, which covers a period of some 430 years, reference can be made in as many minutes as formerly it required days to any Inquisition of Cornwall and Devon land owners, and it will be, it is hoped, a means of stimulating research in the records of the past history and genealogy of these two counties.

To those interested in inquisitions it may be useful to know that the Public Record Office authorities have recently issued two volumes of Abstracts of Inquisitiones Post Mortem for the whole Kingdom for the reigns of Henry III and of 1-10 Henry VII respectively, under a chronological arrangement. These, no doubt, will be succeeded by subsequent volumes for later periods.

What the compiler would like to see carried out by degrees, is, that full abstracts in English of all these valuable documents should be made as far as Cornwall and Devon are concerned, when many an obscure point in mediæval genealogies would be cleared up and set completely at rest. With a little combination by people interested in these subjects, or even by a small sum devoted to it year by year by this Society, this desirable object could, in course of time, be effected, and thus place Cornwall and Devon foremost among the counties having materials for a history of their early times.

E. A. FRY.

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